

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Rita C. Simpson-Vlach, *et al.*,

Plaintiffs,

Case No. 21-cv-11532

v.

Judith E. Levy

United States District Judge

Michigan Department of
Education, *et al.*,

Mag. Judge Anthony P. Patti

Defendants.

_____/

**ORDER STRIKING PLAINTIFFS' RESPONSE [39] TO
STATE DEFENDANTS' MOTION TO DISMISS AND
STRIKING PLAINTIFFS' MOTION FOR AN AUTOMATIC AND
PRELIMINARY INJUNCTION [27]**

On August 19, 2021, Plaintiffs filed a response (ECF No. 39) to the motion to dismiss filed by State Defendants the Michigan Department of Education and Dr. Michael F. Rice. (ECF No. 20.) Eastern District of Michigan Local Rule 5.1 provides that “[p]apers presented for filing” must have margins that are “at least one inch on the top, sides, and bottom,” and the “type size of all text and footnotes must be no smaller than 10-1/2 characters per inch (non-proportional) or 14 point (proportional).” E.D. Mich. LR 5.1(a)(2)–(3). However, the margins in

Plaintiffs’ response are not “at least one inch on the top, sides, and bottom.” E.D. Mich. LR 5.1(a)(2). In addition, the text and footnotes in Plaintiffs’ response are in “Times New Roman, a proportional font,” but are not in “the 14-point font that the Local Rules . . . requires.” *Numatics, Inc. v. Balluff, Inc.*, No. 13-11049, 2014 WL 12662310, at *1 (E.D. Mich. Nov. 6, 2014), *on reconsideration*, No. 13-11049, 2014 WL 6750589 (E.D. Mich. Dec. 1, 2014). Plaintiffs’ response is therefore not in compliance with Local Rule 5.1.¹

Accordingly, Plaintiffs’ response to State Defendants’ motion to dismiss is stricken. For the same reasons, the Court also strikes Plaintiffs’ motion for an automatic and preliminary injunction (ECF No. 27) filed on August 4, 2021. Plaintiffs may refile their response to State Defendants’ motion to dismiss and their motion for an automatic and preliminary injunction, but these filings—and all future filings—must comply with the Local Rules. If Plaintiffs choose to refile their response

¹ The Court notes that Plaintiffs’ response is also not in compliance with Local Rule 7.1, which provides that “[t]he text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages. A person seeking to file a longer brief may apply ex parte in writing setting forth the reasons.” E.D. Mich. 7.1(d)(3)(A). Plaintiffs’ response brief is twenty-six pages long, and Plaintiffs did not seek permission to file a brief that exceeds the page limit set forth in Local Rule 7.1.

to State Defendants' motion to dismiss, they must do so by September 1, 2021. State Defendants will then have fourteen days from the date on which Plaintiffs refile their response to file a reply.

IT IS SO ORDERED.

Dated: August 25, 2021
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 25, 2021.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager